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ACTION AF-01

INFO	LOG-00	AID-00	AMAD-01	CIAE-00	OASY-00	DODE-00	EB-01
	FBIE-00	H-01	TEDE-00	INR-00	IO-10	LAB-01	L-01
	ADS-00	M-00	NSAE-00	NSCE-00	OIC-02	OMB-01	PA-02
	PM-00	PRS-01	P-01	SP-00	SR-00	SSO-00	SS-00
	STR-01	TRSE-00	T-00	USIE-00	PMB-00	PRME-01	DRL-09
	G-00	/034W					

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FM AMEMBASSY KIGALI
TO SECSTATE WASHDC IMMEDIATE 0435
INFO RWANDA COLLECTIVE

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E.O. 12356: NA
TAGS: PHUM, PGOV, PINS, RW
SUBJECT: APRIL 6: FIRST GENOCIDE TRIAL ENDS IN FIASCO

1. THE FIRST SCHEDULED TRIALS OF THOSE ACCUSED OF
GENOCIDE IN LAST APRIL'S MASSACRES OPENED AT THE KIGALI
CRIMINAL COURTS SIX HOURS LATE ON APRIL 6, THE DATE

CHOSEN FOR ITS SYMBOLIC SIGNIFICANCE AS THE FIRST
ANNIVERSARY OF THE GENOCIDE, AND CLOSED 45 MINUTES LATER
WITH AN INDEFINITE ADJOURNMENT. NO EVIDENCE WAS TAKEN,
NO FORMAL CHARGES MADE.

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: WILLIAM E LANDFAIR
DATE/CASE ID: 10 MAY 2005 200103014

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2. THERE WERE SOME EIGHT PRISONERS IN THE DOCK AT VARIOUS TIMES. THERE APPEARED TO BE CONFUSION AS WARDERS BROUGHT OUT FIRST ONE, THEN ANOTHER, THEN RETURNED SOME TO HOLDING CELLS. PERHAPS SIX WERE ACCUSED OF GENOCIDE, WITH TWO APPARENTLY ACCUSED OF OTHER CRIMINAL OFFENSES. THE ONLY ACCUSED REPRESENTED BY LEGAL COUNSEL WAS A 17 YEAR OLD, WHO HAD FOUR LAWYERS RETAINED AND PAID FOR BY UNICEF. (UNDER RWANDAN LAW, 18 IS THE AGE OF MAJORITY, BUT 14 THE AGE OF CRIMINAL RESPONSIBILITY.) THE OTHERS WERE WITHOUT REPRESENTATION OF ANY KIND.

3. THE PROSECUTOR BEGAN HIS RECITATION BY STATING THAT ALL OF THOSE ACCUSED OF GENOCIDE HAD BEEN WITNESSED IN THE ACT, AND THAT THE STATE WOULD PROVE ITS CASE BY THE TESTIMONY OF WITNESSES. ONE OF THE ACCUSED CHALLENGED THE EXISTENCE OF DEPOSITIONS AND WITNESSES, AND ASKED THAT THEY BE PRODUCED. AFTER AN EMBARRASSED FEW MINUTES OF SEARCHING AND QUESTIONING, THE PROSECUTOR ANNOUNCED THAT SINCE NEITHER DEPOSITIONS OR WITNESSES COULD BE FOUND, THE PROCEEDINGS WOULD BE POSTPONED SINE DIE.

4. COMMENT: NOT A PROMISING BEGINNING, BUT ONCE IT WAS CLEAR THAT DUE PROCESS COULD NOT PREVAIL, THE PROSECUTOR QUITE PROPERLY STOPPED THE PROCEEDINGS, A POSITIVE SIGN OF THE GOR'S COMMITMENT TO DOING THINGS THE RIGHT WAY. UNFORTUNATELY, WITH THE CIRCUS-LIKE ATMOSPHERE ENGENDERED BY THE INTERNATIONAL PRESS, WHO TURNED OUT IN FORCE, WE CAN EXPECT THE STORY TO MAKE THE NEWS AND BE A FURTHER EMBARRASSMENT TO THE GOR, WHICH DOES NOT NEED TO LOSE ANY MORE FACE OVER THIS ISSUE. RAWSON

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